

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF MAY, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Kevin Byrd	-Comprehensive Planner
	Jamie MacLean	-Development Planner
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

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| Section 2.2-3711 | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. Library Board |
| | | 2. New River Valley Development Corporation |
| | | 3. Parks & Recreation Commission |
| | | 4. Planning Commission |
| | | 5. Personnel |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by Chair Perkins. Chair Perkins commented Memorial Day was yesterday and asked everyone to remember those who have sacrificed their life by serving our country.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Rezoning Request – John Gunter and Dean A. Smith

A request by John Gunter and Dean A. Smith for rezoning of approximately 3 acres from Residential (R3) to Agriculture (A-1), with possible proffered conditions. The maximum allowed density in the proposed zoning district is one (1) dwelling unit per acre. The property is located at 2348 & 2330 Meadow Creek Road, identified as Tax Parcel No(s). 118-5-11 and 12, (Acct Nos. 022151, 022152), in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

Steve Sandy, Planning Director, summarized the request. Mr. Sandy explained that this is a joint rezoning request as Mr. Gunter and Mr. Smith own adjoining properties. The applicants' goal is to rezone the two parcels to Agriculture (A-1), so they will lie within the same zoning district as the adjoining property owners. Mr. Smith also indicated the desire to have animals, such as horses on his property. He currently owns a parcel approximately 1.44 acres in size and the current zoning of Residential (R-3) district permits no more than two (2) horses per 5 acres with a maximum of four (4) horses for parcels of land ten acres or more. With the exception of the addition of a horse no change to the use of the property has been proposed.

At their May 14, 2009 meeting, the Planning Commission recommended approval of the request. There were no proffered conditions offered with this request.

The Chair opened the floor for public comment.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

DELEGATION

Montgomery County Courthouse Project

Jack Murphy, Thompson + Litton, made a presentation on the Montgomery County Courthouse Project. Mr. Murphy reported they are ready to advertise for competitive construction bids on the courthouse project by June 2009. They anticipate awarding the contract by August 2009 and to start construction by mid-September.

Mr. Murphy reported that a revised estimated project cost on the project was included in the Board's packet for review. The estimated project cost provided in February 2009 totaled \$31,390,000. As of May 15, 2009 the new revised cost is \$30,235,000. A significant savings is found in the cost per square foot in the construction of the courthouse from \$200.75 sq. ft. to \$184.13 sq. ft.

Mr. Murphy requested the Board's authorization to proceed with advertising for competitive bids in June 2009. By Board consensus, Thompson + Litton was authorized to proceed with advertising.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated May 26, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

**A-FY-09-98
SHERIFF
PROJECT LIFESAVER**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

321	Sheriff – Project Lifesaver	\$250
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
424401	Project Lifesaver
	\$250

Said resolution appropriates Project Lifesaver funds for use by the Sheriff's Department.

**A-FY-09-99
COMPREHENSIVE SERVICES ACT
SUPPLEMENTAL APPROPRIATION
AND TRANSFER FROM SPECIAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

510	Comprehensive Services Act	\$154,603
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02510-424445	Comprehensive Services Act
	\$154,603

BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

<u>FROM:</u>	
960	Special Contingencies – CSA
	\$(61,142)

<u>TO:</u>	
510	Comprehensive Services Act
	\$61,142

Said resolution appropriates funds to equal the allocation from the state for the Comprehensive Services Act and transfers the local match from special contingencies.

A-FY-09-100
PLANNING & GIS DEPARTMENT
APPROPRIATION OF
FEDERAL TECHNICAL ASSISTANCE GRANT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

801	Planning Grants	\$24,630
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
28010 424402 Federal Grants	\$24,630

Said resolution appropriates a Federal Technical Assistance Grant (TAG) that provides funding for Montgomery County to prepare an underground pipeline inventory and assessment for incident management to be administered by the Planning & GIS Department.

A-FY-09-101
1999C BOND PROCEEDS
TRANSFER TO COUNTY FUNDS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects fund transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
140 1999C	Information Technology	(\$58,242)
400 1999C	Animal Shelter	(\$18,087)
400 1999C	Elliston Bridge	(\$22,036)
400 1999C	Consolidated Sites	(\$33,689)
700 1999C	Parks and Rec – Elliston	(\$73,678)
800 1999C	GIS	<u>(\$4,440)</u>
	Total	(\$210,172)

<u>TO:</u>		
140 CO	Information Technology	\$58,242
400 CO	Animal Shelter	\$18,087
400 CO	Elliston Bridge	\$22,036
400 CO	Consolidated Sites	\$33,689
700 CO	Parks and Rec – Elliston	\$73,678
800 CO	GIS	<u>\$4,440</u>
	Total	\$210,172

Said resolution changes the funding source of appropriated funds from 1999C Bond proceeds to County funds.

A-FY-09-102
1999C BOND INTEREST
ELLISTON FIRE DEPARTMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

330 Elliston Fire Station \$525,000

The source of funds for the foregoing appropriation is as follows:

Revenue Account

415102 Interest Income \$525,000

Said resolution appropriates the remaining interest earned on the 1999C bond proceeds to be used to reimburse County funds used for the construction of the Elliston Fire Station, which will allow the 1999C bond account to be closed out.

**A-FY-09-103
1999C BOND PROCEEDS
APPROPRIATION FOR
FIRE AND RESCUE CAPITAL**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

330 Undesignated Fire and Rescue Projects \$335,720

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451205 Capital Projects Designated Fund Balance \$335,720

Said resolution appropriates funds freed up by using 1999C bond proceeds to repay a portion of the County funds previously used to construct the Elliston Fire Station, to be used for fire and rescue capital.

**A-FY-09-104
COUNTY CAPITAL PROJECTS
INTEREST PROCEEDS FROM
DEBT SERVICE FUND**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

451104 Transfer to Debt Service \$2,260

The source of funds for the foregoing appropriation is as follows:

Revenue Account

415102 Interest Income \$2,260

Said resolution appropriates the interest earned on debt service reserve funds which was used to offset debt payments in accordance with bond indentures.

A-FY-09-105
SCHOOL CAPITAL PROJECTS
INTEREST PROCEEDS FROM
DEBT SERVICE FUND

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

451104	Transfer to Debt Service	\$318,372
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

415102	Interest Income	\$318,372
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Said resolution appropriates the interest earned on debt service reserve funds which was used to offset debt payments in accordance with bond indentures.

A-FY-09-106
COUNTY CAPITAL PROJECTS
REPAYMENT OF ADVANCE
FOR THE BLACKSBURG HIGH
SCHOOL ATHLETIC FIELD PROJECT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects Fund transfer of appropriation is hereby authorized, as follows:

FROM:

400	Land Purchase	(\$1,837,000)
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TO:

451214	Transfer to the General Fund	\$1,837,000
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Said resolution repays the advance from the General Fund to cover the cost of land acquisition associated with the Blacksburg High School Athletic Field project.

A-FY-09-107
SCHOOL CAPITAL PROJECTS
REPAYMENT OF ADVANCE

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a School Capital Projects Fund transfer of appropriation is hereby authorized, as follows:

FROM:

6617	Elliston/Lafayette Elementary School	(\$1,500,000)
6622	Blacksburg High School Athletic Field	<u>(\$1,600,000)</u>
	Total	(\$3,100,000)

TO:

660	Future Unspecified Projects	\$3,100,000
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Said resolution repays the advance from the Elliston/Lafayette Elementary School and Blacksburg High School Athletic Field projects to Future Unspecified Projects.

R-FY-09-166
CAPITAL RESERVE FUND

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors approved establishment of a Capital Reserve Fund in the amount of \$500,000 as part of the FY 2010 approved budget; and

WHEREAS, On May 4, 2009, during a work session of the Montgomery County Board of Supervisors, the Board expressed their consent to use these funds to increase Capital Reserve Fund; and

WHEREAS, Funds totaling more than \$189,000 exist as a result of repaying a portion of the County funds for the Elliston Fire Station from the 1999C bonds; and

WHEREAS, The actual cost of some future capital projects including the Public Safety Building and County Jail renovations has not yet been determined.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Capital Reserve Fund is increased from \$500,000 to \$689,000 to cover the future costs of capital projects.

BOARD MEMBERS' REPORTS

Supervisor Muffo on May 15, 2009 attended a strategic planning meeting at Virginia College of Osteopathic Medicine (VCOM) to discuss the submission of a planning grant for the initial development of a Federally Qualified Health Center. The health center will be a local, non-profit, community health care center serving low income and medically underserved individuals.

A "Green Jobs" conference was held by Senator John Edwards on alternate forms of energy. An example of this is a group in Blacksburg is converting methane gas from the closed landfill in Montgomery County and creating electricity.

Supervisor Creed received a call from a resident whose property adjoins the Shawsville Middle School property regarding the drains being blocked/clogged up with grass clippings and flooding her property. The property owner has been trying to clear the grass clippings from the drains but believes the School's maintenance workers should be able to clear the drains after mowing. Supervisor Creed asked that this issue be forwarded to the Schools.

Cat Issues –Supervisor Creed received a call from a citizen regarding feral cats. It was suggested that the County form some type of agreement with local vets to get stray/feral cats spayed/neutered or euthanized if necessary. He asked that staff investigate to see if the County could provide funding to start a program where citizens could drop off feral/wild cats at local veterinarians to be spayed/neutered or euthanized if it is justified. The citizens would trap the cats and bring them to the Vet and the County would provide the funding to cover the cost.

Chair Perkins asked the Interim County Administrator for an update on the proposed program that will provide a spay/neuter clinic for the County. Ms. Edmonds reported that the proposed clinic is in the planning stage and they are looking for rental property in the area. They are anticipating the clinic to be open within 4-8 months.

Supervisor Biggs stated for the record that she opposes any type of program that involves rounding up/trapping feral cats to be euthanized.

Supervisor Brown expressed concern with liability to the County if someone was bitten or hurt while trapping feral cats. There would have to be a way the County would not be held liable for any damages.

The County Attorney commented that he would investigate the request; however, there may be issues with individuals out trapping cats that may or may not be feral.

Supervisor Biggs received a request from a resident who lives on Yellow Sulphur Road for gravel to be replaced that was washed out during the recent heavy rains.

Supervisor Politis attended the community meeting in Riner for an overview of the Auburn Strand Schools. During this meeting, the Riner Volunteer Fire Department expressed concerns with being landlocked by school property. RFD's long-range plan is to expand the fire department facilities. With the renovation or construction of a new school there may not be enough land for their expansion. The RFD requested that the Board of Supervisors work with the School Board to help plan and design the layout of the new school facility to allow the fire department to expand.

School Foundation- During interviews with potential candidates for the New River Community College Board, one candidate expressed concern with the lack of a foundation for donations to be accepted by the school system for school use. Supervisor Politis requested this issue be added to the next County/School Liaison meeting.

Supervisor Perkins believes there is a school foundation in place but it may be inactive. Staff was instructed to check with the school system on the status of the foundation.

Supervisor Creed commented that the Mountain Valley Charitable Foundation will accept donations for all purposes, including schools. One would have to state the purpose for the donation.

Auburn School Strand – Supervisor Politis reported a community meeting was held in Riner to receive public input on future school construction projects in the Auburn Strand. The architect provided an overview of different options. One option is to build a new high school and renovate the middle school, another option is just the opposite, build a new middle school and renovate the high school. The majority of the residents who attended the meeting were in favor of a new high school.

Supervisor Politis stated this was the first of several community meetings for the planning process for school needs in Riner. Also, currently there is no funding in the School's Capital Projects Fund for the Auburn Strand and the next issuance of bonds for capital projects is scheduled for 2012 or 2015.

Supervisor Perkins commented that she is surprised to hear about a new high school in Auburn, as most of the citizens who addressed the Board of Supervisors requested a new middle school.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, June 8, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

The meeting adjourned at 9:00 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	L. Carol Edmonds
Chair, Board of Supervisors	Interim County Administrator